

PROB 12C
(6/16)

Report Date: September 6, 2023

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Sep 07, 2023

Eastern District of Washington

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eugene Martin Stillwell

Case Number: 0980 2:18CR00079-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 1, 2019

Original Offense: Possession with Intent to Distribute 5 Grams of Actual (Pure) Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)

Original Sentence: Prison - 32 Months; Type of Supervision: Supervised Release
TSR - 48 Months

Asst. U.S. Attorney: David Michael Herzog Date Supervision Commenced: July 16, 2021

Defense Attorney: Federal Public Defender Date Supervision Expires: July 15, 2025

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/09/2023.

On July 19, 2021, Mr. Eugene Stillwell signed his conditions relative to case number 2:18CR00079-TOR-1, indicating he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2	<u>Mandatory Condition #1:</u> You must not commit another federal, state or local crime.
3	<u>Special Condition #4:</u> You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Stillwell is alleged to have violated both mandatory condition number 1 and special condition number 4 on or about September 5, 2023, by being arrested for Driving Under the Influence, in violation of R.C.W. 46.61.502, a gross misdemeanor.

According to police reports, on September 5, 2023, at approximately 6:34 p.m., law-enforcement was dispatched to the intersection of South Perry Street and East 30th Avenue in Spokane, in response to a two vehicle rollover collision with injuries. Upon law

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enforcement arriving on scene, officers observed a blue Toyota Tacoma on its side, facing southbound, as well as a gray Ford Fusion facing westbound on East 30th Avenue that had front end damage. Upon further investigation, to include speaking with witnesses, it was determined that the client was the sole occupant of the damaged Ford Fusion, who at the time of the accident was traveling westbound on East 30th at a high rate of speed when he ran a stop sign and struck the Toyota Tacoma. The client was then observed by witnesses to have put the vehicle in reverse and back into a parked vehicle; however, no damage was done to the vehicle.

Upon contacting the offender, the responding officer observed that he was having difficulty standing on his own, which the client indicated was due to having neuropathy in his leg. Mr. Stillwell also demonstrated slow speech, glossy eyes, pinpoint pupils, and was observed to be sweating. Upon questioning, the client advised that he was coming from a friend's house, and denied drinking any alcohol or smoking anything other than his "vape pen." The officer then conducted a horizontal gaze nystagmus test (HGN), during which the officer cited the client's lack of smooth pursuit and "distinct and sustained nystagmus at maximum deviation and slight angle of onset prior to 45 degrees." The client subsequently submitted to a voluntary preliminary breath test that reflected a .053 blood alcohol content.

Based on the above information, the client was placed under arrest, at which time the officer noted an odor of intoxicants emanating from his person. Another witness, who stated his having made contact with the client prior to the officer's arrival, also described the client as having slow reactions and a lethargic demeanor, further describing him as "dazed" or possibly under the influence. The witness also identified a smell coming from the vehicle, which he associated with fentanyl. As a result of the client showing signs of both drug and alcohol intoxication, the client was transported to Deaconess Medical Center where a blood search warrant was subsequently applied for and received. A blood draw was conducted with the evidence placed in property and a blood toxicology request form submitted.

Both occupants of the Toyota Tacoma were transported to Deaconess Medical Center with possible injuries, none of which were life threatening. Mr. Stillwell was additionally cited for failing to yield to a traffic control device and not having insurance.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 6, 2023

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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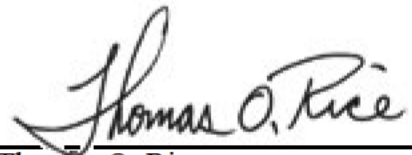
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

September 7, 2023

Date